

HOUSE BILL 3249

By Coley

AN ACT to amend Tennessee Code Annotated, Title 7,
Chapter 51, Part 11, relative to adult oriented
establishments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-51-1102(25), is amended by
adding the following words after "Tennessee Code Annotated:"

"or the corresponding violation of another state or country:"

SECTION 2. Tennessee Code Annotated, Section 7-51-1109, is amended by deleting
subsection (c), and by substituting instead the following language:

(c) If the board affirms the suspension, revocation, or annulment, the license or
permit holder may appeal the decision to a court of record in such county, within ten (10)
days of any such affirmation, by common-law writ of certiorari. Such appellant shall
have the burden of showing to the court that the revocation, suspension, or annulment is
illegal, arbitrary, or capricious. If a court finds the board decision clearly erroneous, the
court may overturn the decision as being illegal, arbitrary, or capricious.

SECTION 3. Tennessee Code Annotated, Section 7-51-1109, is amended by deleting
subsections (e) and (f) in their entirety.

SECTION 4. Tennessee Code Annotated, Section 7-51-1110, is amended by deleting
subsection (c), and by substituting instead the following language:

(c) If the board affirms the denial of an application, the applicant may appeal the
decision to a court of record in such county, within ten (10) days of any such affirmation,
by common-law writ of certiorari. The applicant shall have the burden of showing to the
court that the denial is illegal, arbitrary, or capricious. If a court finds the board decision

clearly erroneous, the court may overturn the decision as being illegal, arbitrary, or capricious.

SECTION 5. Tennessee Code Annotated, Section 7-51-1110, is amended by deleting subsections (d), (e) and (f) in their entirety.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2008, the public welfare requiring it.